

**Minutes of Meeting  
Community Development Follow Up  
March 16, 2015  
1:31 p.m.**

The Kootenai County Board of Commissioners met to discuss Community Development updates. Chairman Stewart, Commissioner Green, and Commissioner Eberlein were present. Also in attendance were Community Development Director David Callahan, Prosecuting Civil Attorney Pat Braden, Code Compliance Officers Roxy Webb and Sandy Forstrom, and Deputy Clerk Sandi Gilbertson.

**A. Call to Order:** Chairman Stewart called the meeting to order at 1:31 p.m.

**B. Changes to the Agenda:** There were no changes to the agenda.

**C. Old Business:** There was no old business discussed.

**D. New Business:**

Commissioner Green asked that two new agenda items be brought forward. One item is Community Development's continuation on a zone change hearing which is on the debriefing agenda following this meeting. It was decided to leave that item on its original debriefing agenda. Motion by Commissioner Green to amend this agenda to include an item to discuss the hearing procedures process from last Thursday evening's meeting held at North Idaho College. This would only be to discuss what went well and what didn't go well in the procedures process. (The discussion would not include any comments on the land use case.) The motion was seconded by Commissioner Eberlein. Chairman Stewart voted nay.

Following the posted agenda and the additional agenda item, Community Development Director David Callahan addressed the following items with the Board:

**1. Approval to publicly release the Interim Development Code.**

Mr. Callahan provided information on the Interim Development Code. The most current version added the language of "interim" development code. Mr. Callahan said he would provide a press release for the Board's approval regarding the release of the document. He said he would start reaching out having either individual meetings or group meetings. Then there would be a period of time for feedback from the public. Based on that feedback, ongoing additions and corrections will be made. Following that, public hearings before the Planning Commission would be scheduled. The Planning Commission would then make their recommendation to the Board of Commissioners who would then have their own public hearings scheduled.

Motion by Commissioner Eberlein, second by Commissioner Green, to approve the release of the Interim Development Code. All voted aye.

**2. Hauser Area of City Impact (ACI) amendment**

Mr. Callahan presented information on the Hauser Area of City Impact amendment. He would like to move forward and set up meetings with the Hauser City Council and the Joint Hauser-County Planning Commission. Following those meetings, notice would be provided to property owners in the Hauser ACI to have involvement in what the new zoning map would look like. At this point, Mr. Callahan added that he is not asking for additional funding for this project.

Motion by Commissioner Green, seconded by Commissioner Eberlein, for Community Development to move forward with what Mr. Callahan presented. All voted aye.

**3. Discussion of code enforcement cases:**

Mr. Callahan gave an overview of Community Development code enforcement cases. He said that every Board has a difference nuance on how they want to enforce code enforcement. Mr. Callahan said the County's codes are not as precise as some other jurisdictions. Code Enforcement Officers Roxy Webb and Sandy Forstrom presented information on the following code violations.

- a) CV14-0210 (tractor-trailer, belly dump)
- b) CV11-0069 (trash and unlicensed vehicles)

Ms. Forstrom showed photos on CV-0210 of a licensed tractor-trailer and unlicensed belly dump. Ms. Forstrom stated that the belly dump has been there for approximately four years. Neighbors complained on the unsightliness of the vehicles. The consensus of the Board is to not pursue this code violation.

Mr. Callahan stated that the County had already been to court on CV11-0069. Mr. Braden said that the County had gotten a default judgment on this case and that it was cleaned up at one time but now there is a garbage dump back on the property and on the East Side Highway District's right of way. Mr. Braden said now it is a contempt of court issue. Ms. Forstrom added that part of the default judgment said that the property owner would permanently keep the site clean. The consensus of the Board is to have the County's legal department pursue the contempt of court on CV11-0069.

**4) Discussion on procedures for the March 12th BOCC public hearing at North Idaho College (NIC)**

- a) Commissioner Green suggested that the next time there is a hearing on NIC that in the setup of the tables, the Board would have more visual contact with staff.
- b) Commissioner Green said that the applause from the audience not be allowed and the first time it happens, the public needs to be told that applause will not be allowed. Commissioner Eberlein and Chairman Stewart said they thought the applause provided an outlet for the opposition. Mr. Callahan added that there is potential of a lawsuit from the applicant if the applause and cheering is not reined in that it could be determined that it was not a fair hearing because the audience had control of the hearing.
- c) Commissioner Green made a comment about Community Development being chastised for bringing the zone change application forward. He suggested that the Chair make a statement to inform the audience that the applicant has a due process right to submit.
- d) Mr. Callahan said that he will work with staff to provide the staff report for land use cases be placed on the County's website.
- e) Commissioner Green said that the group comments sheets are very beneficial.
- f) Mr. Braden explained the options available to the Board after public testimony has been given. Options would include continuing the public hearing for a site visit; continuing to a date certain for more testimony, or closing the hearing. Mr. Braden also explained how the site visit works for land use cases. He emphasized how the Board cannot talk to any public on these site visits to protect the process.

**E. Public Comment:** There was no public comment.

There being no further discussion of the agenda item or public comment, Chairman Stewart adjourned the meeting at 2:27 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

By: \_\_\_\_\_  
Deputy Clerk

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Chairman Stewart